

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

KEVIN J. BARRY (CABN 229748)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7200
Facsimile: (415) 436-7234
Email: kevin.barry@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 12-0438 RS
)	
Plaintiff,)	
)	
v.)	STIPULATION AND [PROPOSED]
)	ORDER SETTING HEARING DATE AND
MICHAEL EARL PETTIS,)	EXCLUDING TIME
)	
Defendant.)	
_____)	

During the initial status hearing before the Court on June 19, 2012, the Court set August 7, 2012 as the date for a further status hearing. On August 7, 2012, however, the United States Marshals were unable to transport the defendant to court because of the circumstances of his housing in the local jail. No status hearing took place on that day.

The parties hereby stipulate to reset the status hearing for September 11, 2012, at 2:30 p.m. The parties also request that the Court exclude the period from the date of this Order through September 11, 2012, from the time limits of 18 U.S.C. § 3161, on the basis of the need for effective preparation and continuity of counsel. 18 U.S.C. § 3161(h)(7)(A).

STIPULATION AND [PROPOSED] ORDER SETTING HEARING DATE AND EXCLUDING TIME
CR 12-0438 RS

1 SO STIPULATED:

2 MELINDA HAAG
United States Attorney

3 DATED: August 18, 2012

4 /s/
KEVIN J. BARRY
Assistant United States Attorney

5 DATED: August 18, 2012

6 /s/
BRENDAN CONROY
Attorney for MICHAEL EARL PETTIS

7
8 [PROPOSED] ORDER

9 For the reasons stated above, the Court sets the date for the next status hearing as
10 September 11, 2012. The Court also finds that exclusion from the time limits applicable under
11 18 U.S.C. § 3161 the period from the date of this Order, through September 11, 2012, is
12 warranted and that the ends of justice served by the continuance outweigh the best interests of
13 the public and the defendant in a speedy trial. 18 U.S.C. §3161(h)(7)(A). The failure to grant
14 the requested exclusion of time would deny counsel for the defendant and for the government the
15 reasonable time necessary for effective preparation, taking into account the exercise of due
16 diligence, and would affect continuity of counsel, resulting in a miscarriage of justice. 18 U.S.C.
17 § 3161(h)(7)(B)(iv).
18

19 IT IS SO ORDERED.

20
21 DATED: 8/20/12

22 
THE HONORABLE RICHARD SEEBORG
United States District Judge